



April 1, 2015

ENGROSSED HOUSE BILL No. 1350

DIGEST OF HB 1350 (Updated March 30, 2015 11:37 am - DI 55)

Citations Affected: IC 13-11; IC 13-14; IC 13-18; IC 13-20; IC 13-20.5; IC 13-22.

Synopsis: Environmental variances and other matters. Makes the following changes concerning variances from environmental rules: (1) If a variance would be in effect for more than one year: (A) the application for the variance must include a demonstration of how the applicant would come into compliance with the rule within the period for which the variance would be in effect; and (B) the variance, if granted, must include a compliance schedule requiring that compliance be achieved while the variance is in effect; and (C) the variance may be revoked for failure to comply with the compliance schedule. (2) Eliminates the renewal of variances, except for variances from certain water quality standards. Authorizes the department of environmental management (department) to require the submission of information or documents electronically. Requires the department to offer certification examinations for certain water treatment plant operator and water distribution system operator certifications at least once per year. Authorizes the commissioner of the department to authorize independent third parties to administer additional certification
(Continued next page)

Effective: July 1, 2015.

Wolkins

(SENATE SPONSOR — CHARBONNEAU)

January 14, 2015, read first time and referred to Committee on Environmental Affairs.
January 29, 2015, amended, reported — Do Pass.
February 3, 2015, read second time, ordered engrossed. Engrossed.
February 5, 2015, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Environmental Affairs.
March 31, 2015, amended, reported favorably — Do Pass.

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examinations. Allows the commissioner to provide certain notices to persons by a means other than by mail. Provides that the offsite location of compensatory mitigation required of a person proposing a wetland activity in a state regulated wetland may be within a designated service area established in an approved in lieu fee mitigation program. Provides for solid waste disposal fees and state solid waste management fees to be remitted to the department on a quarterly basis and for hazardous waste disposal fees to be paid to the department on or before March 1 of the year following the year in which they accrue. Provides that a recycler that elects to report its recycling activities on an annual basis shall, before March 1 of 2016 and of each succeeding calendar year, submit to the commissioner a report on the recycling activities conducted by the recycler during the previous calendar year. Eliminates the requirement that a manufacturer of video display devices report annually to the department the total weight of video display devices sold to households.



April 1, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-104.7 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 104.7. "In lieu fee mitigation**
4 **program", for purposes of IC 13-18-22-6, means a program under**
5 **which a person proposing a wetland activity in a state regulated**
6 **wetland provides funds to a third party that will use the funds to**
7 **offset the loss of wetlands resulting from the proposed wetland**
8 **activity.**
9 SECTION 2. IC 13-14-8-8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Except as
11 provided in section 9 of this chapter, if a person who is affected by a
12 rule adopted by a board believes that the imposition of the rule would
13 impose an undue hardship or burden upon the person, the person may
14 apply to the commissioner for a variance from the rule.
15 (b) If the variance for which a person applies under subsection

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(a) would be in effect for more than one (1) year, the person's application must include a demonstration of how the person would come into compliance with the rule within the period for which the variance would be in effect.

~~(b)~~ (c) The commissioner may hold a public hearing on an application submitted under subsection (a).

~~(c)~~ (d) If the commissioner determines that immediate compliance with the rule would impose an undue hardship or burden upon the applicant, the commissioner ~~except as provided in section 9 of this chapter,~~ may grant a variance from the rule. ~~for any period not exceeding one (1) year.~~ **A variance from a rule may be granted for a period of not more than five (5) years.**

~~(d)~~ Upon the request of an applicant, the commissioner may renew an expired variance if the commissioner determines that compliance with the rule would continue to impose an undue hardship or burden upon the applicant. Except as provided in section 9 of this chapter, each renewal may be granted for a period not exceeding one (1) year.

(e) If a variance from a rule granted to a person under this section will be in effect for more than one (1) year, the variance must include a schedule requiring the person to come into compliance with the rule within the period for which the variance will be in effect. The commissioner may revoke a variance granted to a person under this section if:

(1) the person fails to meet the requirements of the compliance schedule included in the variance under this subsection; and

(2) after the end of the variance period, the person:

(A) is given a reasonable opportunity to meet the requirements of the rule; and

(B) still does not come into compliance with the rule.

If a variance is revoked under this subsection, the person granted the variance shall comply with the rule for which the variance was granted.

SECTION 3. IC 13-14-8-9, AS AMENDED BY P.L.54-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A variance from a water quality standard that is at least in part the basis of a National Pollutant Discharge Elimination System (NPDES) permit issued under this title must meet the conditions specified in:

(1) 40 CFR Part 132, Appendix F, Procedure 2.C; and

(2) rules adopted by the board.

(b) ~~A variance application must contain a pollutant minimization~~



1 ~~plan specific to the pollutant for which the variance is requested.~~ With
 2 respect to a variance relating to an NPDES permit for a combined
 3 sewer overflow discharge, this subsection is satisfied if the NPDES
 4 permit holder has prepared a long term control plan and is
 5 implementing the nine (9) minimum controls pursuant to:

6 (1) 33 U.S.C. 1342(q); and

7 (2) 59 FR 18688.

8 (c) Subject to subsection (d), a variance described in subsection (a)
 9 may be granted for a period not to exceed the term of the NPDES
 10 permit affected by the variance.

11 (d) If an NPDES permit remains in effect beyond its stated term
 12 under IC 13-15-3-6, a variance described in subsection (a) remains in
 13 effect for as long as the NPDES permit requirements affected by the
 14 variance are in effect.

15 (e) A variance described in subsection (a) may be renewed each
 16 time the NPDES permit affected by the variance is renewed if the
 17 conditions of subsections (a) and (b) continue to be met.

18 SECTION 4. IC 13-14-13-2, AS AMENDED BY P.L.159-2011,
 19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 2. **(a) If a person is required to submit
 21 information or a document to the department, the department may
 22 require the person to submit the information or document
 23 electronically. However, the department may not require a person
 24 to submit information or a document to the department
 25 electronically if the person demonstrates to the department that
 26 being required to submit the information or document
 27 electronically will constitute an undue hardship or burden for the
 28 person.**

29 **(b) The department may accept ~~the~~ an electronic submission of**
 30 **information only if the submission meets the following:**

31 (1) Requirements of cross-media electronic reporting under 40
 32 CFR 3.

33 (2) Procedures established by the department to accept electronic
 34 information.

35 SECTION 5. IC 13-14-13-3 IS REPEALED [EFFECTIVE JULY 1,
 36 2015]. Sec. 3: ~~The department may not require a person to make
 37 electronic submissions under this chapter.~~

38 SECTION 6. IC 13-18-11-4, AS AMENDED BY P.L.114-2008,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 4. **(a) The commissioner shall issue certificates
 41 attesting to the competency of operators. A certificate must indicate the
 42 classification of works, plant, or system that the operator is qualified to**



supervise.

(b) If the successful passage of a certification examination is generally required for the issuance of a particular certificate under this chapter, the department shall administer the certification examination to candidates for the certificate at least once per year.

(c) The commissioner may authorize an independent third party to administer certification examinations in addition to the examinations administered by the department under subsection (b). A third party administering an examination under this subsection may require a candidate taking the examination to pay the third party a fee in addition to paying the department the fee required by section 5 of this chapter.

SECTION 7. IC 13-18-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A wastewater treatment plant operator certified under this chapter may renew the operator's certificate biennially by paying a renewal fee of thirty dollars (\$30).

(b) The fee is due and payable ~~on or~~ before July ~~2~~ 1 of the year for which a renewal certificate is issued.

(c) A wastewater treatment plant operator who fails to renew a certificate for three (3) successive years may not receive a renewal certificate without reexamination.

SECTION 8. IC 13-18-11-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.5. (a) A water treatment plant operator or water distribution system operator certified under this chapter may renew the operator's certificate triennially by:

- (1) paying a renewal fee of thirty dollars (\$30); and
- (2) meeting any continuing education requirements established by the department.

(b) The:

- (1) fee is due and payable; and
- (2) proof of compliance with continuing education requirements must be submitted to the department;

~~on or~~ before July ~~2~~ 1 of the year for which a renewal certificate is to be issued.

(c) A water treatment plant operator or a water distribution system operator who fails to renew a certificate within one (1) year after the date the certificate expires may not receive a renewal certificate without reexamination.

SECTION 9. IC 13-18-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The commissioner shall notify ~~by mail~~ each person certified by the



commissioner as a wastewater treatment plant operator under this chapter of the following:

(1) The date of the expiration of the operator's certificate.

(2) The amount of the required fee for renewal for two (2) years.

(b) The commissioner shall ~~mail~~ **provide** the notice at least one (1) month in advance of the date of expiration of the person's certificate. ~~to the last known address of the individual on file with the commissioner.~~

SECTION 10. IC 13-18-11-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) The commissioner shall notify ~~by mail~~ each person certified by the commissioner as a water treatment plant operator or water distribution system operator under this chapter of the following:

(1) The date of expiration of the operator's certificate.

(2) The amount of the required fee for renewal for three (3) years.

(3) The continuing education required for renewal for three (3) years.

(b) The commissioner shall ~~mail~~ **provide** the notice at least one (1) month in advance of the date of expiration of the person's certificate. ~~to the last known address of the individual on file with the commissioner.~~

SECTION 11. IC 13-18-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** that are necessary to carry out the intent of this chapter. The rules must include the following:

(1) Provisions establishing the basis for classification of water treatment plants, water distribution systems, and wastewater treatment plants.

(2) Provisions establishing qualifications of applicants and procedures for examination of candidates.

(3) Provisions concerning fees for certification examinations.

~~(3)~~ **(4)** Other provisions that are necessary for the administration of this chapter.

SECTION 12. IC 13-18-22-6, AS AMENDED BY P.L.241-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Except as otherwise specified in subsections (b) and (c), compensatory mitigation shall be provided in accordance with the following table:

Wetland	Replacement	On-site	Off-site
Class	Class	Ratio	Ratio
Class I	Class II or III	1 to 1	1 to 1
Class I	Class I	1.5 to 1	1.5 to 1



1	Class II	Class II or III	1.5 to 1	2 to 1
2			Nonforested	Nonforested
3			2 to 1	2.5 to 1
4			Forested	Forested
5	Class III	Class III	2 to 1	2.5 to 1
6			Nonforested	Nonforested
7			2.5 to 1	3 to 1
8			Forested	Forested
9	(b) The compensatory mitigation ratio shall be lowered to one to one			
10	(1:1) if the compensatory mitigation is completed before the initiation			
11	of the wetland activity.			
12	(c) A wetland that is created or restored as a water of the United			
13	States may be used, as an alternative to the creation or restoration of an			
14	isolated wetland, as compensatory mitigation for purposes of this			
15	section. The replacement class of a wetland that is a water of the			
16	United States shall be determined by applying the characteristics of a			
17	Class I, Class II, or Class III wetland, as appropriate, to the replacement			
18	wetland as if it were an isolated wetland.			
19	(d) The off-site location of compensatory mitigation must be:			
20	(1) within:			
21	(1) (A) the same eight (8) digit U.S. Geological Service			
22	hydrologic unit code; or			
23	(2) (B) the same county;			
24	as the isolated wetlands subject to the authorized wetland activity;			
25	or			
26	(2) within a designated service area established in an in lieu fee			
27	mitigation program approved by the United States Army			
28	Corps of Engineers.			
29	(e) Exempt isolated wetlands may be used to provide compensatory			
30	mitigation for wetlands activities in state regulated wetlands. An			
31	exempt isolated wetland that is used to provide compensatory			
32	mitigation becomes a state regulated wetland.			
33	SECTION 13. IC 13-20-21-9, AS AMENDED BY P.L.159-2011,			
34	SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE			
35	JULY 1, 2015]: Sec. 9. Solid waste disposal fees must be paid under			
36	section 6 of this chapter by all solid waste disposal facilities,			
37	including solid waste landfills, incinerators, and			
38	construction\demolition disposal facilities. The owner or operator of			
39	a solid waste disposal facility shall pay the solid waste disposal fees			
40	(1) for the period of January 1 through June 30 of each year are due			
41	on August 1 of that year; and			
42	(2) for the period of July 1 through December 31 of each year are			



~~due on February 1 of the following year.~~
**at the same time the owner or operator is required to submit
quarterly reports to the department under IC 13-20-22-11(e).**

SECTION 14. IC 13-20-22-11, AS AMENDED BY P.L.220-2014,
SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2015]: Sec. 11. (a) The owner or operator of a final disposal
facility is responsible for collecting the fees imposed under section 1
of this chapter from persons delivering solid waste to that facility.

(b) Each owner or operator may:

(1) deduct from the fees an amount equal to one percent (1%) of
the fees collected; and

(2) retain this amount as compensation for collecting and remitting
the fees;

if the fees collected and the reports required under subsection (e) are
timely remitted and filed.

(c) If:

(1) the fees collected are remitted; or

(2) the required report is filed;

after the due date, the owner or operator shall remit all fees collected
to the department.

(d) The owner or operator shall remit the remainder of the fees that
the owner or operator collects during a ~~month~~ **quarter** to the
department ~~not later than ten (10) days after the last day of the month~~
~~in which the fees are collected.~~ **at the same time that reports are**
required to be filed under subsection (e).

(e) The owner or operator of a final disposal facility shall file
~~monthly~~ **quarterly** reports with the department concerning the fees
collected under this section:

(1) **on or before the fifteenth day of January, concerning the
fees collected during the preceding quarter consisting of the
months of October through December;**

(2) **on or before the fifteenth day of April, concerning the fees
collected during the preceding quarter consisting of the months
of January through March;**

(3) **on or before the fifteenth day of July, concerning the fees
collected during the preceding quarter consisting of the months
of April through June; and**

(4) **on or before the fifteenth day of October, concerning the
fees collected during the preceding quarter consisting of the
months of July through September.**

~~The department shall adopt a form for these reports. An owner or
operator shall use the form in reporting to submit the quarterly~~



1 **reports on forms provided by** the department.

2 SECTION 15. IC 13-20-25-9, AS ADDED BY P.L.126-2014,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 9. (a) A recycler shall report the recycler's
5 recycling activities under this section. A recycler may elect to report
6 the recycler's recycling activities on an annual basis under subsection
7 (b) or on a quarterly basis under subsection (c).

8 (b) A recycler that elects to report on an annual basis shall, in ~~2015~~
9 **2016** and each succeeding calendar year, before ~~August 1,~~ **March 1,**
10 submit to the commissioner a completed recycling activity report
11 concerning the recycling activities conducted by the recycler during the
12 ~~fiscal~~ **calendar** year that ended on the most recent ~~June 30.~~ **December**
13 **31.**

14 (c) A recycler that elects to report on a quarterly basis shall, for the
15 July through September quarter of 2014 and each succeeding quarter,
16 not more than thirty (30) days after the end of the quarter, submit to the
17 commissioner a completed recycling activity report concerning the
18 recycling activities conducted by the recycler during the quarter. A
19 quarterly report submitted under this subsection must concern the
20 recycling activities conducted by the recycler during the period of:

- 21 (1) July through September;
- 22 (2) October through December;
- 23 (3) January through March; or
- 24 (4) April through June.

25 (d) A recycler shall submit a separate recycling activity report under
26 this section for each reporting period, whether annual or quarterly, for
27 each facility:

- 28 (1) that was owned or operated by the recycler; and
 - 29 (2) at which the recycler conducted recycling activities;
- 30 during the reporting period.

31 SECTION 16. IC 13-20-25-10, AS ADDED BY P.L.126-2014,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2015]: Sec. 10. (a) A person:

- 34 (1) who:
 - 35 (A) is not required to submit a recycling activity report under
 - 36 section 9 of this chapter; but
 - 37 (B) recycled recyclable materials during a ~~fiscal~~ **calendar** year;
- 38 (2) who:
 - 39 (A) meets the definition of "scrap metal processing facility" set
 - 40 forth in IC 8-23-1-36;
 - 41 (B) meets the definition of "automotive salvage recycler" set
 - 42 forth in IC 9-13-2-10;



(C) meets the definition of "disposal facility" set forth in IC 9-13-2-44;

(D) is engaged in business subject to IC 9-22-3;

(E) meets the definition of "automotive salvage rebuilder" set forth in IC 9-32-2-5;

(F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;

(G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or

(H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b); or

(3) who:

(A) is not required to submit a recycling activity report under section 9 of this chapter; but

(B) took action during a ~~fiscal~~ **calendar** year to recover, from the solid waste stream, for purposes of:

(i) use or reuse;

(ii) conversion into raw materials; or

(iii) use in the production of new products;

materials that were not municipal waste;

may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the ~~fiscal~~ **calendar** year.

(b) The commissioner shall include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under section 14 of this chapter.

SECTION 17. IC 13-20-25-11, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), a recycling activity report submitted to the commissioner under this chapter must be submitted on the uniform recycling activity report form posted by the commissioner on the department's Internet web site under section 12 of this chapter.

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter, the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the calendar year, the types of information about the recycler's recycling activities during the ~~fiscal~~ **calendar** year that are set forth in section 12 of this chapter.

SECTION 18. IC 13-20-25-12, AS ADDED BY P.L.126-2014,



SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Not later than July 1, 2015, the commissioner shall post on the department's Internet web site a uniform recycling activity report form. The form must do the following:

(1) Provide for reporting of the:

(A) name and location of; and

(B) principal business activities conducted at; the recycler's establishment.

(2) Include:

(A) an appropriate space for; and

(B) instructions requiring the completion of;

an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.

(3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:

(A) at the start of the ~~fiscal~~ **calendar** year; and

(B) at the close of the ~~fiscal~~ **calendar** year.

(4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:

(A) Other recyclers located in Indiana.

(B) Persons that are located in Indiana but are not recyclers, including persons who may employ the recyclable material as a raw material or a new product without further recycling.

(C) Persons located outside Indiana.

(b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and (a)(4) must be reported separately for each of the following types of recyclable materials:

(1) Glass.

(2) Metal, including white goods (ferrous).

(3) Metal (nonferrous).

(4) Paper and paper products (all grades).

(5) Plastic and plastic products.

(6) Single stream recyclable materials.



(7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6).

SECTION 19. IC 13-20-25-14, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. Not later than December 31, 2015, and each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the ~~fiscal~~ **calendar** year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling.

SECTION 20. IC 13-20.5-2-1, AS AMENDED BY P.L.37-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (g), a manufacturer that registers under IC 13-20.5-1 shall pay to the department at the time of registration an annual registration fee. The registration fee applies for the program year for which the registration is submitted to the department. The department shall deposit the fee in the electronic waste fund established by section 3 of this chapter.

(b) The registration fee for the initial program year to which the fee applies under subsection (a) is five thousand dollars (\$5,000). For each program year thereafter, the registration fee is equal to two thousand five hundred dollars (\$2,500).

(c) In addition to the registration fee under subsection (a), a manufacturer that registers under IC 13-20.5-1 and fails to meet the recycling goal under IC 13-20.5-4-1 is subject to a variable recycling fee for each program year that ends on March 31 of 2013 or December 31 of a later year. Not later than September 1, the department shall provide a statement to each manufacturer liable for the variable recycling fee that states at least the following:

(1) The amount of the fee determined under subsection (d).

(2) The method of calculation of the fee.

(3) The due date of the fee.

(4) The opportunity to petition under section 2 of this chapter.

The department shall deposit the fee in the Indiana recycling promotion and assistance fund established by IC 4-23-5.5-14.

(d) The amount of the variable recycling fee, if applicable, is the amount determined in STEP FOUR of the following formula:

STEP ONE: Multiply the number of pounds of the manufacturer's



video display devices sold to households during the immediately preceding program year, as reported in the manufacturer's registration for the program year under IC 13-20.5-1-1(e)(4), by the proportion of sales of video display devices required to be recycled under IC 13-20.5-4-1.

STEP TWO: Subject to subsection (e), add the number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year, as reported to the department under ~~IC 13-20.5-3-1(b)~~, **IC 13-20.5-3-1(a)**, to the number of recycling credits the manufacturer elects to use to calculate the variable recycling fee, as reported to the department under ~~IC 13-20.5-3-1(c)(2)~~, **IC 13-20.5-3-1(b)(2)**.

STEP THREE: Subtract the number of pounds determined in STEP TWO from the number of pounds determined in STEP ONE.

STEP FOUR: Multiply the greater of zero (0) or the number of pounds determined in STEP THREE by the per pound cost of recycling established as follows:

(A) Forty cents (\$0.40) per pound for manufacturers that recycle less than fifty percent (50%) of the number of pounds determined in STEP ONE.

(B) Thirty cents (\$0.30) per pound for manufacturers that recycle at least fifty percent (50%) but less than ninety percent (90%) of the number of pounds determined in STEP ONE.

(C) Twenty cents (\$0.20) per pound for manufacturers that recycle at least ninety percent (90%) of the number of pounds determined in STEP ONE.

(e) The following apply to the number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year for purposes of subsection (d), STEP TWO:

(1) Except as provided in subdivision (3), the number is multiplied by one and one-tenth (1.1) to the extent that the covered electronic devices were recycled in Indiana.

(2) Except as provided in subdivision (3), the number is multiplied by one and five-tenths (1.5) to the extent that the covered electronic devices were recycled from covered entities not located in a metropolitan statistical area, as defined by the federal Office of Management and Budget.

(3) The number is multiplied by one and six-tenths (1.6) to the extent that the covered electronic devices were:

(A) recycled from covered entities not located in a metropolitan



1 statistical area, as defined by the federal Office of Management
 2 and Budget; and
 3 (B) recycled in Indiana.

4 (f) A manufacturer may retain recycling credits to be added, in whole
 5 or in part, to the actual number of pounds of covered electronic devices
 6 recycled by the manufacturer from covered entities during the
 7 immediately preceding program year, as reported to the department
 8 under ~~IC 13-20.5-3-1(b)~~, **IC 13-20.5-3-1(a)**, during any of the three (3)
 9 immediately succeeding program years. A manufacturer may sell all or
 10 any part of its recycling credits to another manufacturer, at a price
 11 negotiated by the parties, and the other manufacturer may use the
 12 credits in the same manner. For purposes of this subsection, the
 13 recycling credits for the program year that begins April 1, 2010, are
 14 determined taking into account covered electronic devices that the
 15 manufacturer recycled, or arranged to have collected and recycled,
 16 both:

- 17 (1) in that program year; and
- 18 (2) after June 30, 2009, and before April 1, 2010.

19 (g) A manufacturer may not be charged a registration fee or a
 20 variable recycling fee for any year in which the combined number of
 21 video display devices produced by the manufacturer for sale to
 22 households is less than one hundred (100).

23 SECTION 21. IC 13-20.5-3-1, AS AMENDED BY P.L.37-2012,
 24 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 1. (a) ~~Not later than June 1 of 2011 and of each~~
 26 ~~immediately succeeding year, a manufacturer shall report to the~~
 27 ~~department an estimate of the total weight in pounds of its video~~
 28 ~~display devices sold to households during the program year that ends~~
 29 ~~on the immediately preceding December 31 based on national sales~~
 30 ~~data. A manufacturer shall submit with an estimate under this~~
 31 ~~subsection a description of how the information or estimate was~~
 32 ~~calculated.~~

33 ~~(b)~~ (a) Not later than June 1 of 2011 and of each immediately
 34 succeeding year, a manufacturer shall report to the department the total
 35 weight in pounds of covered electronic devices the manufacturer:

- 36 (1) collected from eligible entities and recycled; or
 - 37 (2) arranged to have collected from eligible entities and recycled;
- 38 during the program year that ends on the immediately preceding
 39 December 31.

40 ~~(c)~~ (b) Not later than June 1 of 2011 and of each immediately
 41 succeeding year, a manufacturer shall report the following to the
 42 department:



(1) The number of recycling credits the manufacturer has purchased and sold during the program year that ends on the immediately preceding December 31.

(2) The number of recycling credits possessed by the manufacturer that the manufacturer intends to use in the calculation of its variable recycling fee under IC 13-20.5-2-1.

(3) The number of recycling credits the manufacturer retains at the beginning of the current program year.

(4) The amount in pounds of covered electronic devices the manufacturer arranged for a recycler to collect and recycle that were not converted to recycling credits.

SECTION 22. IC 13-22-12-3.5, AS ADDED BY P.L.220-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) For the disposal of hazardous waste in Indiana, the fees are as follows:

(1) For hazardous waste disposed of in a disposal facility, eleven dollars and fifty cents (\$11.50) per ton. If hazardous waste is mixed with or dissolved or suspended in water or another liquid at the time it is disposed of in a disposal facility, the entire mixture, solution, or suspension disposed of is considered hazardous waste disposed of in a disposal facility for the purposes of this subdivision.

(2) For hazardous waste disposed of by underground injection, eleven dollars and fifty cents (\$11.50) per ton. However, a person required to pay disposal fees under this subdivision is not liable for more than twenty-five thousand dollars (\$25,000) in disposal fees under this subdivision for all hazardous waste disposed of by the person by underground injection in one (1) calendar year.

(b) Fees imposed under subsection (a)(1) shall be paid by the operator of the disposal facility at which the hazardous waste is disposed of. For hazardous waste disposed of by underground injection at a location other than a disposal facility, the fee imposed on the disposal of the hazardous waste under subsection (a)(2) shall be paid by the person disposing of the hazardous waste.

(c) Fees imposed under this section ~~shall be paid quarterly to the department in the manner prescribed by the department. However, the department is not required to assess quarterly payments separately. Fees under this section~~ begin accruing on January 1 of each year. **The fees that accrue under this section during a calendar year shall be paid to the department on or before March 1 of the following year.**

(d) The fees imposed under this section shall be based on the total tonnage of hazardous waste disposed of. The fees do not apply to the



- 1 treatment or storage of hazardous waste in a disposal facility.
2 (e) The fees ~~collected~~ **paid to the department** under this section
3 shall be deposited and paid over as provided in section 3.6 of this
4 chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 19 through 28, begin a new paragraph and insert:

"(e) If a variance from a rule granted to a person under this section will be in effect for more than one (1) year, the variance must include a schedule requiring the person to come into compliance with the rule within the period for which the variance will be in effect. The commissioner may revoke a variance granted to a person under this section if:

(1) the person fails to meet the requirements of the compliance schedule included in the variance under this subsection; and

(2) after the end of the variance period, the person:

(A) is given a reasonable opportunity to meet the requirements of the rule; and

(B) still does not come into compliance with the rule.

If a variance is revoked under this subsection, the person granted the variance shall comply with the rule for which the variance was granted."

and when so amended that said bill do pass.

(Reference is to HB 1350 as introduced.)

WOLKINS

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1350, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 11, delete "Except as provided in section 9(c) and 9(d)".

Page 2, line 12, delete "of this chapter, a" and insert "A".

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 15. IC 13-20-25-9, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A recycler shall report the recycler's

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recycling activities under this section. A recycler may elect to report the recycler's recycling activities on an annual basis under subsection (b) or on a quarterly basis under subsection (c).

(b) A recycler that elects to report on an annual basis shall, in ~~2015~~ **2016** and each succeeding calendar year, before ~~August 1~~, **March 1**, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the ~~fiscal~~ **calendar** year that ended on the most recent ~~June 30~~. **December 31**.

(c) A recycler that elects to report on a quarterly basis shall, for the July through September quarter of 2014 and each succeeding quarter, not more than thirty (30) days after the end of the quarter, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the quarter. A quarterly report submitted under this subsection must concern the recycling activities conducted by the recycler during the period of:

- (1) July through September;
- (2) October through December;
- (3) January through March; or
- (4) April through June.

(d) A recycler shall submit a separate recycling activity report under this section for each reporting period, whether annual or quarterly, for each facility:

- (1) that was owned or operated by the recycler; and
- (2) at which the recycler conducted recycling activities;

during the reporting period.

SECTION 16. IC 13-20-25-10, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person:

(1) who:

- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
- (B) recycled recyclable materials during a ~~fiscal~~ **calendar** year;

(2) who:

- (A) meets the definition of "scrap metal processing facility" set forth in IC 8-23-1-36;
- (B) meets the definition of "automotive salvage recycler" set forth in IC 9-13-2-10;
- (C) meets the definition of "disposal facility" set forth in IC 9-13-2-44;
- (D) is engaged in business subject to IC 9-22-3;
- (E) meets the definition of "automotive salvage rebuilder" set



forth in IC 9-32-2-5;

(F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;

(G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or

(H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b); or

(3) who:

(A) is not required to submit a recycling activity report under section 9 of this chapter; but

(B) took action during a ~~fiscal~~ **calendar** year to recover, from the solid waste stream, for purposes of:

(i) use or reuse;

(ii) conversion into raw materials; or

(iii) use in the production of new products;

materials that were not municipal waste;

may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the ~~fiscal~~ **calendar** year.

(b) The commissioner shall include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under section 14 of this chapter.

SECTION 17. IC 13-20-25-11, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), a recycling activity report submitted to the commissioner under this chapter must be submitted on the uniform recycling activity report form posted by the commissioner on the department's Internet web site under section 12 of this chapter.

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter, the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the calendar year, the types of information about the recycler's recycling activities during the ~~fiscal~~ **calendar** year that are set forth in section 12 of this chapter.

SECTION 18. IC 13-20-25-12, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Not later than July 1, 2015, the commissioner shall post on the department's Internet web site a uniform recycling activity report form. The form must do the following:



- (1) Provide for reporting of the:
 - (A) name and location of; and
 - (B) principal business activities conducted at; the recycler's establishment.
- (2) Include:
 - (A) an appropriate space for; and
 - (B) instructions requiring the completion of; an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.
- (3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:
 - (A) at the start of the ~~fiscal~~ **calendar** year; and
 - (B) at the close of the ~~fiscal~~ **calendar** year.
- (4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:
 - (A) Other recyclers located in Indiana.
 - (B) Persons that are located in Indiana but are not recyclers, including persons who may employ the recyclable material as a raw material or a new product without further recycling.
 - (C) Persons located outside Indiana.
- (b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and (a)(4) must be reported separately for each of the following types of recyclable materials:
 - (1) Glass.
 - (2) Metal, including white goods (ferrous).
 - (3) Metal (nonferrous).
 - (4) Paper and paper products (all grades).
 - (5) Plastic and plastic products.
 - (6) Single stream recyclable materials.
 - (7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6).

SECTION 19. IC 13-20-25-14, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2015]: Sec. 14. Not later than December 31, 2015, and each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the ~~fiscal~~ **calendar** year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1350 as printed January 30, 2015.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 0.

